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13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF WASHINGTON AT YAKIMA

15 DEMETRIOS VORGIAS,
16 Plaintiff,
17
18 vs.
19 COMMUNITY HEALTH OF
20 CENTRAL WASHINGTON,
21 Defendant.

22 NO. 1:21-cv-03013-SAB

23 DEFENDANT'S [PROPOSED]
24 SPECIAL VERDICT FORM

25 We, the jury, answer the questions submitted by the Court as follows:

26 **A. WASHINGTON LAW AGAINST DISCRIMINATION (WLAD)**

27 **QUESTION 1: WLAD Disability Discrimination.** Did Plaintiff prove by a
28 preponderance of the evidence that he had a qualifying
29 disability?

30 ANSWER: [] Yes [] No

31 *If the answer to Question 1 is Yes, proceed to Question 2.
32 If the answer is No, skip directly to Question 20 in Section E.*

1 QUESTION 2: **WLAD Disability Discrimination.** Did Plaintiff prove by a
2 preponderance of the evidence that he was able to perform the
3 essential functions of a first year resident during his
4 employment?

5 ANSWER: [] Yes [] No

6 *If the answer to Question 2 is Yes, proceed to Question 3.*
7 *If the answer is No, skip directly to Question 20 in Section E.*

8 QUESTION 3: **WLAD Disability Discrimination.** Did Plaintiff prove by a
9 preponderance of the evidence that he gave Defendant
10 adequate notice of a disability during his employment?

11 ANSWER: [] Yes [] No

12 *If the answer to Question 3 is Yes, proceed to Question 4.*
13 *If the answer is No, skip directly to Question 20 in Section E.*

14 QUESTION 4: **WLAD Disability Discrimination.** Did Plaintiff prove by a
15 preponderance of the evidence that Plaintiff's disability was a
16 substantial factor in Defendant's decision to discharge him?

17 ANSWER: [] Yes [] No

18 *Proceed to Question 5.*

19 QUESTION 5: **WLAD Reasonable Accommodation.** Did Plaintiff prove by
20 a preponderance of the evidence that a reasonable
21 accommodation was available that would have enabled him to
22 perform the essential functions of a first year medical resident?

23 ANSWER: [] Yes [] No

24 *If the answer to Question 5 is Yes, proceed to Question 6.*
25 *If the answer is No, skip directly to Question 9 in Section B.*

1 QUESTION 6: **WLAD Reasonable Accommodation.** Did Plaintiff prove by
2 a preponderance of the evidence that Defendant failed to
3 provide a reasonable accommodation for Plaintiff's disability?

4 ANSWER: [] Yes [] No

5 *If the answer to Question 6 is Yes, proceed to Question 7.
6 If the answer is No, skip directly to Question 9 in Section B.*

7 QUESTION 7: **WLAD Reasonable Accommodation.** Did Plaintiff prove by
8 a preponderance of the evidence that Defendant's failure to
9 provide a reasonable accommodation was a substantial factor
10 in causing harm to Plaintiff?

11 ANSWER: [] Yes [] No

12 *If the answer to Question 7 is Yes, proceed to Question 8.
13 If the answer is No, skip directly to Question 9 in Section B.*

14 QUESTION 8: **WLAD Reasonable Accommodation.** Did Plaintiff prove by
15 a preponderance of the evidence that accommodating Plaintiff
16 would have caused Defendant undue hardship?

17 ANSWER: [] Yes [] No

18 *Proceed to Question 9 in Section B.*

19 **B. AMERICANS WITH DISABILITIES ACT**

20 QUESTION 9: **ADA Disability Discrimination.** Did Plaintiff prove by a
21 preponderance of the evidence that he suffered from a
22 disability that substantially limited one or more major life
23 activities at the time of his discharge?

24 ANSWER: [] Yes [] No

25 *If the answer to Question 9 is Yes, proceed to Question 10.
26 If the answer is No, skip directly to Section E.*

QUESTION 10: **ADA Disability Discrimination.** Did Plaintiff prove by a preponderance of the evidence that he was a qualified individual at the time of his discharge?

ANSWER: [] Yes [] No

*If the answer to Question 10 is Yes, proceed to Question 11.
If the answer is No, skip directly to Questions 20 in Section E.*

QUESTION 11: **ADA Disability Discrimination.** Did Plaintiff prove by a preponderance of the evidence that he gave Defendant notice of his disability before he was discharged?

ANSWER: [] Yes [] No

*If the answer to Question 11 is Yes, proceed to Question 12.
If the answer is No, skip directly to Question 20 in Section E.*

QUESTION 12: **ADA Disability Discrimination.** Did Plaintiff prove by a preponderance of the evidence that, but for his disability, he would not have been discharged?

ANSWER: [] Yes [] No

Proceed to Question 13.

QUESTION 13: **ADA Reasonable Accommodation.** Did Plaintiff prove by a preponderance of the evidence that he gave Defendant adequate notice of his disability and desire for a reasonable accommodation?

ANSWER: [] Yes [] No

*If the answer to Question 13 is Yes, proceed to Question 14.
If the answer is No, skip directly to Question 20 in Section E.*

DEFENDANT'S [PROPOSED] SPECIAL VERDICT
FORM (21-03013 SAB)- Page 4

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QUESTION 14: **ADA Reasonable Accommodation.** Did Plaintiff prove by a preponderance of the evidence that a reasonable accommodation was available that would have enabled the plaintiff to perform the essential functions of a first year medical resident?

ANSWER: [] Yes [] No

*If the answer to Question 14 is Yes, proceed to Question 15.
If the answer is No, skip directly to Question 20 in Section E.*

QUESTION 15: **ADA Reasonable Accommodation.** Did Defendant prove by a preponderance of the evidence that the accommodation would have imposed an undue hardship on the operation of its business?

ANSWER: [] Yes [] No

*If the answer to Question 15 is Yes, proceed to Question 16.
If the answer is No, skip directly to Question 20 in Section E.*

QUESTION 16: **ADA Reasonable Accommodation.** Did Defendant prove by a preponderance of the evidence that Plaintiff's continued employment as a medical resident posed a significant risk of substantial harm to the health and safety of himself or others?

ANSWER: [] Yes [] No

If the answer to Question 16 is Yes, skip directly to Question 20 in Section E.

If the answer is No, proceed to Question 17 in Section C.

1 **C. PROXIMATE CAUSE**

2 **QUESTION 17:** **Proximate Cause.** Did Plaintiff prove by a preponderance of
3 the evidence that unlawful discrimination by Defendant
4 proximately caused his claimed damages?

5 ANSWER: [] Yes [] No

6 *If the answer to Question 17 is Yes, proceed to Section D.
If the answer is No, skip directly to Section E.*

7 **D. DAMAGES – ADA/WLAD**

8 **QUESTION 18:** **Damages Amount - ADA/WLAD.** What do you find to be
9 the amount of damages sustained by Plaintiff, if any?

10 Past Economic Damages: \$ _____

11 Future Economic Damages: \$ _____

12 Non-Economic Damages: \$ _____

13 *Proceed to Question 19.*

14 **QUESTION 19:** **Mitigation.** Did Defendant prove that Plaintiff failed to
15 mitigate his claimed damages, or that his claimed damages
16 should be reduced by any amount earned in mitigation?

17 ANSWER: [] Yes [] No

18 If you answered “yes,” by what amount is Plaintiff’s amount
19 of damages to be reduced for failure to mitigate damages?

20 \$ _____

1 *Proceed to Question 20 if and only if **ALL** of the following*
2 *three conditions are met:*

3 1. *You answered Yes to both Questions 9 and 10;*
4 2. *You answered either: Yes to both Questions 11 and 12*
5 *or Yes to both Questions 13 and 14; and*
6 3. *You answered No to both Questions 15 and 16.*

7 *If any of these three conditions is unmet, do not answer*
8 *Question 20 and skip directly to Section E.*

9 QUESTION 20: **Punitive Damages - ADA only.** Did Plaintiff prove by a
10 preponderance of the evidence that Defendant acted
11 maliciously, oppressively, or in reckless disregard of
12 plaintiff's rights when it discharged plaintiff?

13 ANSWER: [] Yes [] No

14 If you answered no to Question 20, then proceed to Question
15 20 in Section E. If you answered "yes," what do you find
16 to be the amount of punitive damages?

17 Punitive Damages: \$ _____

18 *Proceed to Question 20 in Section E.*

19 **E. BREACH OF CONTRACT**

20 QUESTION 20: **Breach of Contract.** Has Plaintiff proved by a preponderance
21 of the evidence that Plaintiff entered into a contract with
22 Defendant?

23 ANSWER: [] Yes [] No

24 *If the answer to Question 20 is Yes, proceed to Question 21.*
25 *If the answer is No, answer no further questions, sign this*
26 *verdict form, and notify the bailiff.*

QUESTION 21: **Breach of Contract.** Has Plaintiff proved by a preponderance of the evidence that Defendant promised to employ him beyond June 24, 2019?

ANSWER: [] Yes [] No

Proceed to Question 22.

QUESTION 22: **Breach of Contract.** Has Plaintiff proved by a preponderance of the evidence that Defendant materially breached its contract with Plaintiff?

ANSWER: [] Yes [] No

*If the answer to Question 22 is Yes, proceed to Question 23.
If the answer is No, answer no further questions, sign this
verdict form, and notify the bailiff.*

QUESTION 23: **Breach of Contract - Proximate Cause.** Did Plaintiff prove by a preponderance of the evidence that Plaintiff was damaged as a result of Defendant's material breach?

ANSWER: [] Yes [] No

*If the answer to Question 23 is Yes, proceed to Question 24.
If the answer is No, answer no further questions, sign this
verdict form, and notify the bailiff.*

QUESTION 24: **Damages Amount – Breach of Contract.** What is the amount of actual economic damages that Plaintiff incurred as a result of result of Defendant's material breach?

ANSWER: \$

Please sign this verdict form and notify the bailiff.

DEFENDANT'S [PROPOSED] SPECIAL VERDICT FORM (21-03013 SAB)- Page 8

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1 SIGNED and DATED this day of September 2022.

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 PRESIDING JUROR

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DEFENDANT'S [PROPOSED] SPECIAL VERDICT
FORM (21-03013 SAB)- Page 9

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22

1 Dated this 24th day of August, 2022

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14 *Attorneys for Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on the date below written, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and caused to be served a true and correct copy of same by the method indicated below and addressed as follows:

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Attorneys for Plaintiff

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed August 24, 2022, at Portland, Oregon.

Alison Roblin
Alison Roblin

DEFENDANT'S [PROPOSED] SPECIAL VERDICT
FORM (21-03013 SAB)- Page 11

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